

FILED
CHARLOTTE, NC

JUN 4 2012

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IN RE: Real property at 4640 Celia Creek)
Road, Lenoir, NC 28645, further described as)
recorded in the Caldwell County, North)
Carolina Register of Deeds Office, Deed)
Book 1539, Page 1201-1203; 1204-1208)

FILE IN GRANTOR INDEX UNDER:)
ALEX D. NELSON and ALEX NELSON)

MISC. NO. 3:12mj182

ORDER AND LIS PENDENS

WHEREAS, the United States of America, by and through Federal Bureau of Investigation Special Agent James R. Meade, has presented an affidavit to the Court alleging that the above-captioned property is subject to forfeiture as substitute property pursuant to 21 U.S.C. § 853(p);

WHEREAS, the Court, having reviewed the affidavit, finds that there is probable cause to believe that offenses in violation of 18 U.S.C. §§ 371 and 1343 have been committed, probable cause that the proceeds of the offenses are at least \$100,000, and probable cause that the above captioned property may be subject to forfeiture as substitute property because conspiracy and wire fraud proceeds in the amount of at least \$100,000 cannot be located upon the exercise of due diligence, have been transferred or sold to, or deposited with, a third party, have been placed beyond the jurisdiction of the court, have been substantially diminished in value, or have been commingled with other property which cannot be divided without difficulty; and,

WHEREAS, upon this finding of probable cause that the property may be subject to forfeiture to the United States pursuant to 21 U.S.C. § 853(p), the government is entitled to record a lis pendens to give public notice of the government's forfeiture interest and potential criminal forfeiture claim against the property;

THEREFORE, the United States is directed forthwith to file this Order and Lis Pendens with the appropriate state or local public depository to prevent the flight or transfer of the property so that the United States may initiate action to adjudicate forfeiture of the property; and,

ALL WHO READ THIS ORDER AND LIS PENDENS TAKE NOTICE that the property may be subject to forfeiture to the United States in a present or future action before this Court, and any person who has a question as to this action should contact:

United States Attorney for the Western District of North Carolina
Attn: Benjamin Bain-Creed
227 West Trade Street, Suite 1650
Charlotte, NC 28202
(704) 344-6222.

This the 4th day of June, 2012.


Honorable David S. Cayer
UNITED STATES MAGISTRATE JUDGE